

REMARKS

Claims 1-3, 6-8, and 10-12 remain in the application. Applicant requests reexamination.

The drawings were objected to on grounds that reference numeral 30 is missing. Applicant respectfully refers the Examiner to Figure 5, which calls out reference numeral 30 at top center. Applicant respectfully requests that the objection to the drawings be withdrawn.

The disclosure was objected to in paragraph 0017 for making reference to numeral 17 rather than 18. Applicant has amended the specification to correct this reference. Applicant respectfully requests that the objection to the disclosure be withdrawn.

Claims 6 and 7 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for depending from a canceled claim. Applicant has amended claim 6 to depend from claim 1. Claim 7 depends from claim 6. Applicant respectfully requests that this rejection be withdrawn.

Claims 1-3 and 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ruthenberg* (5,249,744) and *Koren et al.* (6,375,342). Applicant respectfully traverses.

Claim 1 recites the following elements: (i) a spout passing through the top rim and having a narrow and elongated mouth and a top and bottom; (ii) a mounting plate bordering the top and the bottom of the spout where the spout passes through the top rim; and (iii) a light source attached through the mounting plate at the bottom of the spout to inject light directly into water falling out of the spout. The underlined portions of these elements indicate language added herein by amendment, the subject matter of which is fully supported in the specification, e.g. at paragraphs 0018 and 0027 and Figures 1-2, 5 and 9.

Neither *Ruthenberg* nor *Koren et al.* ('342), whether alone or in combination, teach or suggest any of elements (i), (ii) or (iii). Neither reference teaches or suggests a combination of a

spa and waterfall structure wherein a spout passes through a top rim of the spa container. Neither reference teaches or suggests a mounting plate bordering the top and bottom of the spout where the spout passes through the top rim. Neither reference teaches or suggests a light source attached through the mounting plate. Claim 1 therefore recites structure not obvious in view of the cited references. Each of claims 2-3 and 10-12 depend from claim 1. Applicant respectfully requests that the rejections of claims 1-3 and 10-12 be withdrawn.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ruthenberg* and *Koren et al.* ('342) in further view of *Simpson et al.* (6,450,418). Applicant respectfully traverses.

Simpson et al. is cited only for teaching a bezel connected at a waterfall spout. Applicant reasserts here the arguments made above for the patentability of claim 1. Claim 8 depends from claim 1. Applicant respectfully requests that the rejection of claim 8 be withdrawn.

Claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ruthenberg* and *Koren et al.* ('342) in further view of *Koren et al.* (6,367,100). Applicant respectfully traverses.

Koren et al. ('100) is cited only for teaching a plenum chamber having a walled inlet. Applicant reasserts here the arguments made above for the patentability of claim 1. Claims 10-12 each depend from claim 1. Applicant respectfully requests that the rejections of claims 10-12 based in part on *Koren et al.* ('100) be withdrawn.

New claim 13 recites a feature of the waterfall structure depicted in Figure 9 of the application, and described in newly amended paragraph 0027, wherein the flat fiber-optic array (43) directs light in a direction parallel to water flow through the spout (13) to intersect the water

falling out of the spout. Applicant asserts that no new subject matter is introduced in this claim, and respectfully requests allowance of the same.

New claim 14 recites a feature of the waterfall structure depicted in Figure 5 of the application, and described in newly amended paragraph 24, wherein the mounting plate (25) is formed from the walls (24, 26) of the plenum chamber (23). Applicant asserts that no new subject matter is introduced in this claim, and respectfully requests allowance of the same.

In light of the above amendment and remarks, Applicant believes that all the claims remaining in the application are in condition for allowance and respectfully requests that the claims be allowed and this application passed to issue.

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Very truly yours,

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